

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN SMITH,	:	CIVIL ACTION NO. 1:22-CV-200
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
J.J. MORGAN, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 17th day of July, 2023, upon review of plaintiff's complaint pursuant to 28 U.S.C. 1915(e)(2) and 28 U.S.C. § 1915A, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Plaintiff's claims against defendants SCI-Waymart and the Pennsylvania Department of Corrections are DISMISSED with prejudice.
2. Plaintiff's claims against defendants Gorman, Chiumento, Altemer, Miller, John Doe, Morcom, Hendrick, Waymart Inmates Nurturing Growth, Merkel, Turano, Evans, and Lower are DISMISSED without prejudice.
3. Plaintiff may file a second amended complaint on or before **August 17, 2023** to cure the deficiencies identified in the court's memorandum opinion. Any second amended complaint filed pursuant to this order shall be filed to the same docket number as the instant action, shall be entitled "Second Amended Complaint," and shall be complete in all respects. It shall be a new pleading that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure.
4. If plaintiff does not file a second amended complaint by the above date, this case shall proceed only as to plaintiff's claims against defendants Morgan, Davis, and McKeown.

5. Service of process is deferred pending the possible filing of a second amended complaint.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania